

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

			Date of mailing (day/month/year) 16 NOV 2005
Applicant's or agent's file reference 330802-00001		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US04/32408	International filing date (day/month/year) 30 September 2004 (30.09.2004)	Priority date (day/month/year) 30 September 2003 (30.09.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A01K 1/01 and US Cl.: 119/166			
Applicant LUCKY LITTER LLC			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 29 September 2005 (29.09.2005)	Authorized officer <i>Teri Luu</i> Telephone No. (800)786-9199
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/32408

Box No. I Basis of this opinion

~~10/574068~~

1. With regard to the language, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
 2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
 3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/32408

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u> <input type="checkbox"/> YES
	Claims <u>1-8</u> <input type="checkbox"/> NO
Inventive step (IS)	Claims <u>NONE</u> <input type="checkbox"/> YES
	Claims <u>1-8</u> <input type="checkbox"/> NO
Industrial applicability (IA)	Claims <u>1-8</u> <input type="checkbox"/> YES
	Claims <u>NONE</u> <input type="checkbox"/> NO

2. Citations and explanations:

Claims 1,3 and 4 lack novelty under PCT Article 33(2) as being anticipated by Carlisi (US 5,048,465). Carlisi discloses a self cleaning litter box comprising a non-attached litter cartridge or tray, wherein litter is filled and removable from the tray; a rake assembly for combing through the litter tray during a cleaning stroke from a first position to a second position; a drive assembly for driving the rake assembly; and a chassis for carrying the rake assembly and configured to receive the litter pan; wherein the rake and drive assemblies are configured to travel in a single plane; wherein the rake assembly comprises a frame for carrying a plurality of spaced apart tines.

Claims 1,3, 4 and 8 lack novelty under PCT Article 33(2) as being anticipated by Nissim et al. (US 5,931,119). Nissim et al. disclose a self cleaning litter box comprising a non-attached litter cartridge or tray, wherein litter is filled and removable from the tray; a rake assembly for combing through the litter tray during a cleaning stroke from a first position to a second position; a drive assembly for driving the rake assembly; and a chassis for carrying the rake assembly and configured to receive the litter pan; wherein the rake and drive assemblies are configured to travel in a single plane; wherein the rake assembly comprises a frame for carrying a plurality of spaced apart metal tines; and wherein the box has a removable cover for closing the removable tray in a storage position.

Claims 1, 2, 4, 5, 6 and 8 lack novelty under PCT Article 33(2) as being anticipated by Atcravi (US 6,202,595). Atcravi discloses a self cleaning litter box comprising a non-attached litter cartridge or tray, wherein litter is filled and removable from the tray; a cover hinged on an end of the tray; a rake assembly for combing through the litter tray during a cleaning stroke from a first position to a second position; a drive assembly for driving the rake assembly; and a chassis for carrying the rake assembly and configured to receive the litter pan; wherein the rake assembly comprises a frame for carrying a plurality of spaced apart metal tines, wherein the tines are formed with a bend defining two legs; and wherein the box has a removable cover for closing the removable tray in a storage position.

Claims 4-7 lack novelty under PCT Article 33(2) as being anticipated by Kimber (US 1,514,291). Kimber discloses a rake device capable of use in a litter box comprising a frame for carrying a plurality of spaced apart metal tines; wherein the tines are formed with a bend defining two legs, and the tines are formed from a U-shaped length of wire.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.